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PALISADES CHARTER HIGH SCHOOL and
AMY NGUYEN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT**

ROYA SAGHAFL, an individual,

Plaintiff,

vs.

PALISADES CHARTER HIGH SCHOOL, a
corporation; AMY NGUYEN, an individual; and
DOES 1 through 10,

Defendants.

CASE NO.: **BC708497**

*[Assigned for all purposes to the Honorable Ruth
Ann Kwan, Department 72]*

MOTION IN LIMINE NO. 2

**DEFENDANTS PALISADES CHARTER
HIGH SCHOOL AND AMY NGUYEN'S
NOTICE OF MOTION AND MOTION *IN
LIMINE* TO EXCLUDE EVIDENCE OR
TESTIMONY OF ALLEGED
DISCRIMINATION AGAINST PERSONS
OTHER THAN THE PLAINTIFF;
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF ELLEN
E. COHEN IN SUPPORT THEREOF**

(Filed Concurrently with [Proposed] Order)

Date: August 9, 2019
Time: 8:30 a.m.
Place: Department 72

FSC Date: August 9, 2019
Trial Date: August 19, 2019
Complaint Filed: June 1, 2018

1 **TO THE HONORABLE COURT, PLAINTIFF, AND HER ATTORNEYS OF RECORD:**

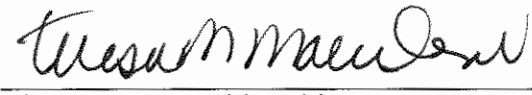
2 **PLEASE TAKE NOTICE** that on August 9, 2019 at 8:30 a.m., or as soon thereafter as the
3 matter may be heard in the above-captioned Court located at 111 North Hill Street, Los Angeles,
4 California 90012, in Department 72, Defendants Palisades Charter High School and Amy Nguyen
5 (“Defendants”) will, and hereby do, move the Court for an order *in limine* precluding Plaintiff Roya
6 Saghafi (“Plaintiff”) from seeking to introduce testimony or documents, or from making any argument
7 or comment concerning testimony or documents regarding any alleged discrimination of employees
8 other than Plaintiff. Defendants request the Court instruct Plaintiff and her counsel not to refer to,
9 interrogate any witness concerning, or comment on any evidence relating to any such alleged
10 discrimination. Such opinions are irrelevant, based on hearsay, constitute inadmissible character
11 evidence, extraordinarily prejudicial to Defendants, exceed the bounds of the witnesses’ knowledge and
12 perception, and should be excluded pursuant to Evidence Code §§ 350, 352, 402-03, 800, and 802-03.

13 Moreover, such testimony, evidence or argument, if divulged before the jury, regardless of any
14 objection which may be made, raises a possibility of substantial danger of undue prejudice, confusion, or
15 of misleading the jury. Given the high probability that such testimony or reference would be extremely
16 prejudicial to Defendants, the Court should exclude such evidence. Defendants request that the order
17 precluding the introduction of any such evidence be made to apply from the beginning of jury selection
18 and to continue throughout the trial.

19 This motion is based on this Notice, the attached Memorandum of Points and Authorities, the
20 Declaration of Ellen E. Cohen (“Cohen Decl.”), the pleadings and documents on file herein and such
21 other oral and documentary evidence which may be presented to the Court at the hearing on this matter.

22 Dated: July 15, 2019

JACKSON LEWIS P.C.

23
24 By: 

25 Theresa M. Marchlewski
26 Ellen E. Cohen
27 Jade M. Brewster

28 Attorneys for Defendants
PALISADES CHARTER HIGH SCHOOL and
AMY NGUYEN

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION AND SUMMARY OF RELEVANT FACTS.**

3 Plaintiff alleges that during her employment, Defendants Palisades Charter High School
4 (“PCHS”) and Amy Nguyen (“Nguyen”) (collectively, “Defendants”) subjected her to discrimination,
5 harassment and retaliation based on her national origin, race, religion and age. Plaintiff claims that she
6 complained about harassment and discrimination, but that Defendants failed to address her complaints.

7 Defendants anticipate based on Plaintiff’s deposition testimony, that Plaintiff will try to
8 introduce evidence, testimony, and/or argument concerning the alleged conduct of PCHS employees
9 other than Plaintiff, and testimony from employees other than Plaintiff regarding their own experiences
10 working with Defendants. Defendants anticipate Plaintiff will seek to introduce baseless speculation
11 that other current or former PCHS employees may have been subjected to discrimination, as the Plaintiff
12 believes she may have been.

13 For instance, in her deposition, Plaintiff testified as follows with respect to alleged mistreatment
14 of other PCHS staff:

- 15 • PCHS teacher, Kevin Kung (“Kung”), was mistreated in the past because of he looks
16 Asian. (Declaration of Ellen E. Cohen (“Cohen Decl.”), ¶ 3-4; Deposition of Roya
17 Saghafi, Volume II (“Saghafi Depo. Vol. II”) at 465:7-21, attached as Exh. “B” to Cohen
18 Decl.; Deposition of Roya Saghafi, Volume III (“Saghafi Depo. Vol. III”) at 604:16-25,
19 attached as Exh. “C” to Cohen Decl.),
- 20 • PCHS teacher, Richard Patterson (“Patterson”), is not “part of the circle” because he
21 “seems to be a minority.” (Saghafi Depo., Vol. III at 605:1-10, attached as Exh. “C” to
22 Cohen Decl.)
- 23 • When Plaintiff first started working at PCHS, a “lady who was older than seemingly
24 older than everybody else” was terminated and another “older lady” was spoken about
25 negatively. (Saghafi Depo., Vol. III at 606:6-19, attached as Exh. “C” to Cohen Decl.)
- 26 • There are “older teachers” working at PCHS in other departments that have a concern
27 about their treatment based on their age. (Saghafi Depo., Vol. III at 606:20-23, attached
28 as Exh. “C” to Cohen Decl.)

- PCHS teacher Rick Steil (“Steil”) has been rude and hostile to another teacher who is older and French teacher named Catherine. (Saghafi Depo., Vol. III at 728:14-729:3, attached as Exh. “C” to Cohen Decl.)

Defendants anticipate that Plaintiff will also seek to testify about past unrelated and irrelevant alleged acts of mistreatment of discrimination and harassment against PCHS students. For instance, Defendants expect that Plaintiff will try to introduce evidence relating to a 2015 incident in which PCHS students made up a rap song which included race related lyrics, a 2016 incident in which a few students defaced PCHS property with racist graffiti and a 2017 incident in which students in a group chat circulated a picture of an African American student with a noose around her neck.

However, any such evidence is irrelevant, speculative, and constitutes inadmissible character, hearsay and opinion evidence. If such testimony and evidence were divulged to the jury, even subject to a limiting instruction, there would be a substantial danger of undue prejudice, confusion and misleading of the jury. Plaintiff should be precluded from introducing any such evidence under Cal. Evid. Code §§ 350 and 352.

II. LEGAL ARGUMENT.

A. Evidence Regarding Any Third-party Witness’s Claims Is Prohibited Because It Is Irrelevant.

Cal. Evid. Code § 350 states that “no evidence is admissible except relevant evidence.” Only evidence that has “any tendency in reason to prove or disprove any disputed fact that is of consequence to the determination of the action” is relevant. (Cal. Evid. Code § 210.)

For such “me too” evidence to have any relevance, the alleged unlawful treatment of others must be “sufficiently similar” to that alleged by the Plaintiff, and relate to their protected class (here, race, national origin, religion or age). (See *McCoy v. Pacific Maritime Ass’n* (2013) 216 Cal.App.4th 283, 298; *Hatai v. Dept. of Transportation* (2013) 214 Cal.App.4th 1287, 1298 (excluded an employee’s “me too” evidence of alleged discrimination against employees of races different than the plaintiff’s).) For example, courts have found “me too” evidence to be irrelevant and inadmissible where the decision-maker who terminated the plaintiff was not involved in the decision to terminate the other employees who were alleging discrimination. (*Schrand v. Federal Pac. Elec. Co.* (6th Cir. 1988) 851 F.2d 152, 156

1 (finding that two employees who were allegedly told they were being terminated because they were too
2 old, was irrelevant to the plaintiff's age discrimination case as different decision-makers were involved
3 in the plaintiff's and these other employees' termination decisions).)

4 To be valid comparators with a plaintiff, other employees must be similarly situated in **all**
5 relevant aspects. (*Smith v. Stratus Computer Inc.* (1st Cir. 1994) 40 F.3d 11, 17; *Radue v. Kimberly-*
6 *Clark Corp.* (7th Cir. 2000) 219 F.3d 612, 617-18).) (Emphasis added). They "must have dealt with the
7 same supervisor, have been subject to the same standards and have engaged in the same conduct without
8 such differentiating or mitigating circumstances that would distinguish their conduct or the employer's
9 treatment of them for it." (*Mitchell v. Toledo Hosp.* (6th Cir. 1992) 964 F.2d 577, 583; *Vasquez v.*
10 *County* (9th Cir. 2003) 349 F.3d 634, 641.)

11 The anticipated testimony regarding third party witness experiences while attending or being
12 employed by PCHS does not concern Plaintiff's employment with PCHS. Despite the speculative
13 aspects of this testimony, the content also bears no relevance to Plaintiff's claims here. For such
14 evidence to be potentially admissible, the third-parties must be similarly situated with the Plaintiffs in all
15 respects. For example, this Court must scrutinize: (1) whether these third parties are alleging
16 race/national origin/religion/age animus or some other discriminatory motive; (2) whether these third
17 parties were in fact treated in the same manner as Plaintiff was; (3) if so, under what circumstances were
18 these third Parties treated; and (4) who were the decision-makers and/or actors with respect to the
19 treatment of these third parties. If these other employees cannot meet such basic similarities, accounts
20 of "discrimination" with respect to these witnesses are irrelevant and inadmissible.

21 In this case here, any alleged incidents involving students noted above bear no similarity to how
22 Plaintiff alleges she was treated, as these students do not claim discrimination on the basis of age, being
23 a Muslim, of Iranian national origin or race, nor were they employed by PCHS.

24 With respect to the teachers identified by Plaintiff who Plaintiff alleges were also mistreated
25 because of their race, national origin or age, Plaintiff cannot establish that these individuals were
26 similarly situated. Specifically, none of these other teachers were Muslim or from Iran, nor were these
27 individuals been treated in the same manner that Plaintiff alleges she was treated.

1 **B. Evidence and Testimony of Other Incidents of Alleged Discrimination Constitutes**
2 **Inadmissible Character Evidence.**

3 Any attempt by Plaintiff to present evidence of alleged incidents of discrimination against other
4 PCHS employees, presumably to demonstrate Defendants are of bad character and that Plaintiff was
5 therefore discriminated against, is inadmissible.

6 Cal. Evid. Code § 1101(a) provides:

7 (a) Except as provided in this section and in §§ 1102, 1103, 1108 and 1109, evidence of a
8 person's character or a trait of his or her character (whether in the form of an opinion,
9 evidence of reputation, or evidence of specific instances of his or her conduct) is
inadmissible when offered to prove his or her conduct on a specified occasion.
(Emphasis added.)

10 Moreover, evidence of traits of character and/or specific instances of conduct is generally
11 inadmissible to attack or support the credibility of a witness. (Cal. Evid. Code §§ 786, 787.) Character
12 evidence is evidence of a person's propensity or tendency to act in a certain way under certain
13 circumstances. (*People v. McAlpin* (1991) 53 Cal.3d 1289, 1305; *People v. Shoemaker* (1982) 135
14 Cal.App.3d 442, 446-447.) Without question, opinions are inadmissible to prove how a person working
15 for PCHS may have acted on a specific occasion with Plaintiff. Further, this type of character evidence
16 cannot be offered reasonably to prove motive, opportunity, intent, preparation or plan under the specific
17 facts and circumstances here. (Cal. Evid. Code § 1101(b).) Any references to such opinion are thus
18 inadmissible character evidence and should be excluded from trial.

19 The only reason Plaintiff seeks to admit the alleged evidence or testimony of other alleged
20 incidents regarding discrimination is to attempt to establish that Defendants acted in conformity with
21 such conduct and/or traits of character in their dealings with Plaintiff. For these reasons, this evidence is
22 inadmissible.

23 **C. Evidence of Third-Party Incidents of Alleged Discrimination Constitutes**
24 **Inadmissible Hearsay Evidence.**

25 Cal. Evid. Code § 1200 provides:

26 (a) 'Hearsay evidence' is evidence of a statement that was made other than by a witness while
27 testifying at the hearing and that is offered to prove the truth of the matter stated.

28 (b) Except as provided by law, hearsay evidence is inadmissible.

1 Any evidence Plaintiff may seek to introduce about alleged incidents by Defendants against
2 others would constitute inadmissible hearsay evidence. Plaintiff should be precluded from introducing
3 any such evidence unless Plaintiff can first establish that one of the statutory exceptions to the hearsay
4 rule applies. Further, Plaintiff should be compelled to articulate any arguments for such an exception
5 outside the presence of the jury under Cal. Evid. Code §§ 402 and 403.

6 **D. Testimony That Other Employees Were Allegedly Discriminated Against Would**
7 **Create a Substantial Danger of Undue Prejudice to Defendants.**

8 Plaintiff's anticipated testimony and evidence that other PCHS employees or former employees
9 were discriminated against should be excluded because any probative value it may have is substantially
10 outweighed by the danger of undue prejudice to Defendants. Further, it will confuse the issues, and will
11 tend to mislead the jury. (Cal. Evid. Code § 352.) Trial courts have broad discretion to exclude such
12 evidence. (*See e.g., People v. Rodriguez* (1994) 8 Cal.4th 1060, 1124, *cert. denied*, (1995) 516 U.S.
13 851; *see also, Michail vs. Fluor Mining and Metals, Inc.* (1986) 180 Cal.App.3d 284, 286-287
14 (affirming the exclusion of plaintiff's EEOC determination concerning plaintiff's **own** claim in
15 plaintiff's civil suit against her employer, because "the court specifically identified undue prejudice as
16 the basis for excluding the EEOC determination.").)

17 Moreover, evidence regarding allegations of other alleged discriminatory acts should not be
18 admitted where the evidence, as here, would simply result "in a series of mini-trials centering on the
19 employment history of each [witness]." (*McWhorter v. City of Birmingham* (11th Cir. 1990) 906 F.2d
20 674, 679; *see also, People v. Hamilton* (2009) 45 Cal.4th 863, 930.) Plaintiff should not be allowed to
21 divert attention from the facts of her case by introducing evidence, already inadmissible, of third parties'
22 claims of discrimination.

23 The California Supreme Court has instructed that the "prejudice" referenced in Evidence Code
24 Section 352 applies to all evidence which "uniquely tends to evoke an emotional bias" against a party
25 and which has "very little effect on the issues." (*People v. Garceau* (1994) 6 Cal.4th 140, 178.)
26 Evidence of alleged discrimination against third parties would inflame the jury and has little effect, if
27 any, on the issues of the Plaintiff's case.

References to third parties unaffiliated with Plaintiff or this lawsuit will confuse the jury and severely detract from the principal legal and factual issues before this Court, i.e., whether Defendants discriminated against, and retaliated against Plaintiff. (*See People v. Miller* (1988) 45 Cal.App.3d 227, 239-240.) The jury should not be forced to listen to this hearsay testimony and thus be invited to infer discriminatory animus from the alleged and unsupported claims that Defendants never had the opportunity to directly question these third parties about. This evidence would invoke an emotional bias against Defendants and would not affect the principal issues at trial. Furthermore, Defendants would be forced to vigorously rebut any such testimony and evidence by offering additional oral or documentary evidence.

The introduction of this irrelevant and highly prejudicial evidence would thus expend needless Court and jury time and expense, plus turn the trial and the jury away from the principal factual and legal issues regarding the Plaintiff. The only purpose for the introduction of the above evidence would be to inflame the jury. This Court, consequently, should exclude any and all such evidence from trial.

E. Defendants Complied With Los Angeles Superior Court Rule 3.57.

As more fully set forth in the Declaration of Ellen E. Cohen, under Los Angeles Superior Court Rule 3.57, Defendants communicated the subject matter of this motion to Plaintiff's counsel on July 3, 2019 (Cohen Decl., Exh. "A"). The parties could not reach an agreement.

III. CONCLUSION.

For each of the foregoing reasons, Defendants respectfully request that the Court grant their motion *in limine* in its entirety, excluding any testimony or evidence of discrimination against persons other than Plaintiff during trial, including during *voir dire*.

Dated: July 15, 2019

JACKSON LEWIS P.C.

By: Theresa M Marchlewski
Theresa M. Marchlewski
Ellen E. Cohen
Jade M. Brewster
Attorneys for Defendants
PALISADES CHARTER HIGH SCHOOL and
AMY NGUYEN

DECLARATION OF ELLEN E. COHEN

I, Ellen E. Cohen, declare:

1. I am an attorney licensed to practice law before all courts of the State of California. I am a partner of the law firm of Jackson Lewis P.C., attorneys of record for Defendants Palisades Charter High School and Amy Nguyen ("Defendants") in the above-referenced case. I am one of the attorneys primarily responsible for the handling of this matter. I have personal knowledge as to the matters set forth herein and, if called to testify in this matter, could and would competently testify thereto.

2. In compliance with Los Angeles Superior Court Rule 3.57, on June 17, 2019, I met and conferred with counsel for Plaintiff Roya Saghafi, regarding the subject matter of the motions in limine Defendants intended to bring. The parties were not able to reach agreement. Attached hereto as **Exhibit "A"** is a true and correct copy of the July 3, 2019 correspondence.

3. On April 18, 2019, I attended and participated in the second session of Plaintiff Roya Saghafi's ("Plaintiff") deposition before a certified court reporter. Attached hereto as **Exhibit "B"** is a true and correct copy of excerpts of the transcript of Plaintiff's deposition, Volume II.

4. On April 19, 2019, I attended and participated in the second session of Plaintiff Roya Saghafi's ("Plaintiff") deposition before a certified court reporter. Attached hereto as **Exhibit "C"** is a true and correct copy of excerpts of the transcript of Plaintiff's deposition, volume III.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed pursuant to the laws of the State of California on July 12, 2019 in Los Angeles, California.



ELLEN E. COHEN

EXHIBIT A



ELLEN E. COHEN

DIRECT DIAL: (213) 630-8240

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GRAND RAPIDS, MI	MINNEAPOLIS, MN		

*through an affiliation with Jackson Lewis P.C., a Law Corporation

July 3, 2019

VIA EMAIL AND U.S. MAIL

Hull_ann@yahoo.com

Ann A. Hull, Esq.
LAW OFFICES OF ANNA A. HULL, INC.
21900 Burbank Boulevard
Third Floor
Woodland Hills, California 91367

Re: **Roya Saghafi v. Palisades Charter High School, et al.**
Los Angeles Superior Court, Case No. BC708497

Dear Counsel:

Pursuant to Los Angeles Superior Court Local Rule 3.57, we write to meet and confer regarding the motions *in limine* Defendants Palisades Charter High School and Amy Nguyen. ("Defendants") intend to file with the Court. At this time, Defendants intend to file the following pre-trial motions:

1. Motion *in limine* to exclude evidence Plaintiff failed or refused to produce during the course of discovery.
2. Motion *in limine* to exclude evidence of alleged discrimination against persons other than the Plaintiff, or "Me Too" evidence.
3. Motion *in limine* to exclude evidence of conduct barred by Plaintiff's failure to exhaust administrative remedies.
4. Motion *in limine* to exclude evidence of any subjective opinions of Plaintiff or Plaintiff's witnesses regarding her treatment by Defendants.
5. Motion *in limine* to exclude evidence regarding financial condition of the parties and existence of insurance.
6. Motion *in limine* to exclude evidence of inadmissible hearsay.

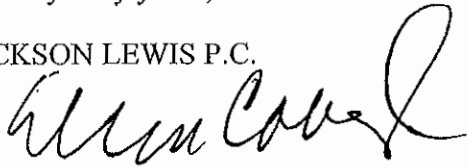
7. Motion to bifurcate punitive damages from liability stage.

Please let us know if Plaintiff is willing to stipulate to any of the above. Otherwise, Defendants' will proceed with filing these motions. It is imperative that you let us know Plaintiff's position on or before the close of business on Tuesday, **July 9, 2019**.

Thank you for your anticipated consideration and cooperation with this matter.

Very truly yours,

JACKSON LEWIS P.C.

A handwritten signature in black ink, appearing to read "Ellen Cohen", written over the printed name.

Ellen E. Cohen

EEC | ae

EXHIBIT B

April 18, 2019

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

ROYA SAGHAFI, an individual,

Plaintiff,

vs.

CASE NO. BC 708497

PALISADES CHARTER HIGH SCHOOL, a
corporation; AMY NGUYEN, an
individual; and DOES 1 through 10,

Defendants.

VIDEOTAPED DEPOSITION OF ROYA SAGHAFI

VOLUME II

April 18, 2019

10:11 a.m.

725 South Figueroa Street, 23rd Floor

Los Angeles, California

REPORTED STENOGRAPHICALLY BY:

Deborah L. Heskett

CSR No. 11797

1 APPEARANCES:

2

3 For Plaintiff:

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5 ANN A. HULL
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For Defendants:

9

10 JACKSON LEWIS P.C.
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16 ellen.cohen@jacksonlewis.com

13

14 Also Present:

15 JENNY SHERMAN, VIDEOGRAPHER

16

17

18

19

20

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24

25

1 Kung received evaluations?

2 A I know we have talked about that, but I
3 don't know how many times.

4 Q Okay. Have you ever seen any of his
5 evaluations?

6 A No.

7 Q Do you know how many times his class has
8 been observed?

9 A No. And he is --

10 Q Okay.

11 A -- just to remind you, Mr. Kevin Kung was
12 treated differently too in the past because he
13 was -- his facial. He was born in the United States
14 but he's from Chinese origin. And, in fact,
15 somebody made it very clear when he wanted to be
16 department chair, they were not going to make him
17 department chair because of his features. But now
18 Mr. Kevin Kung is being treated differently.
19 Mr. Kung is a commissioner and teacher -- teacher
20 credentialing commission. That's a big post. He is
21 a commissioner.

22 Q Okay. So Mr. Kevin Kung --

23 A And he is an amazing individual, but he is
24 amazing, but when he did not have some of these
25 accomplishments, like being on the teacher

1 STATE OF CALIFORNIA)

2) ss

3 COUNTY OF LOS ANGELES)

4

5 I, Deborah L. Heskett, a Certified Shorthand
6 Reporter, do hereby certify:

7 That prior to being examined, the witness in
8 the foregoing proceedings was by me duly sworn to
9 testify to the truth, the whole truth, and nothing
10 but the truth;

11 That said proceedings were taken before me
12 at the time and place therein set forth and were
13 taken down by me in shorthand and thereafter
14 transcribed into typewriting under my direction and
15 supervision;

16 I further certify that I am neither counsel
17 for, nor related to, any party to said proceedings,
18 nor in any way interested in the outcome thereof.

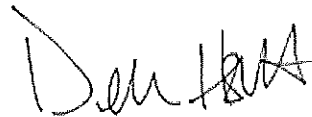
19 In witness whereof, I have hereunto
20 subscribed my name.

21

22 Dated: May 7, 2019

23

24



DEBORAH L. HESKETT
CSR No. 11797

25

EXHIBIT C

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES, CENTRAL DISTRICT

ROYA SAGHAFI, an individual,
Plaintiff,

vs.

CASE NO. BC 708497

PALISADES CHARTER HIGH SCHOOL, a
corporation; AMY NGUYEN, an
individual; and DOES 1 through 10,

Defendants.

VIDEOTAPED DEPOSITION OF ROYA SAGHAFI

VOLUME III

April 19, 2019

9:42 a.m.

725 South Figueroa Street, Suit 2350

Los Angeles, California

REPORTED STENOGRAPHICALLY BY:

Deborah L. Heskett

CSR No. 11797

1 APPEARANCES:

2
3 For Plaintiff:

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18 Also Present:

19 TRAVIS SIMMONS, VIDEOGRAPHER
20
21
22
23
24
25

1 question. I can't narrow it down because this is
2 her comments.

3 MS. VAYNEROV: Okay. Let's -- how about
4 currently.

5 MS. COHEN: No, no, no. Counsel, I'm going
6 to ask you to not modify my question.

7 BY MS. COHEN:

8 Q You said part of the circle.

9 MS. VAYNEROV: Well, I'm going to object
10 as --

11 BY MS. COHEN:

12 Q I'm trying to understand what the circle
13 is.

14 MS. VAYNEROV: I'm going to object as
15 overbroad.

16 THE WITNESS: I don't believe Mr. Kung is
17 part of the circle. And I already mentioned that
18 yesterday that he couldn't even become the
19 department chair because his facial appearance was
20 Asian and Chinese rather than local even though he
21 has been born and raised here. Him I know that he
22 is not part of the circle.

23 BY MS. COHEN:

24 Q Who?

25 A Mr. --

1 Q Okay. Anyone else that you believe isn't
2 part of the circle?

3 A It appears -- it appears that Mr. Patterson
4 who -- it appears that Mr. Patterson is not part of
5 the circle and he seems to be minority.

6 Q What is -- what do you --

7 A I'm assuming --

8 Q What do you believe he is?

9 A Maybe a blend of African-American and -- I
10 don't know, but maybe.

11 Q Okay. What -- why do you think
12 Mr. Patterson isn't part of the circle?

13 MS. VAYNEROV: Objection. Calls for
14 speculation.

15 THE WITNESS: It is my observation that you
16 have to fit a certain look, certain age, certain --
17 certain definitions in terms of being local, not
18 local.

19 BY MS. COHEN:

20 Q Local or not local as in in the Palisades?

21 A Well, obviously Palisadians or -- are --
22 are -- could -- could be preferred, but I'm talking
23 about somebody like me who is from Iran, somebody
24 like Mr. Kung who has Asian features.

25 Q Can --

1 A In that nature.

2 Q So is it your testimony that Palisades
3 Charter High School treats all minorities unfairly?

4 MS. VAYNEROV: Objection. Misstates
5 testimony.

6 THE WITNESS: I'm not there to observe
7 everyone. I'm observe -- I'm only talking within my
8 department, what I have observed. And yes, I have
9 observed age discrimination across the board. That,
10 I have observed.

11 I have observed that when I started the
12 school there was a lady who was older than --
13 seemingly older than everybody else, and she was get
14 rid of immediately and how they were, the rest of
15 the department, Karyn Newbill and the other teachers
16 were talking about her.

17 There was another older lady who was
18 working and how they were talking about her
19 negatively.

20 There are other older teacher right now at
21 school within other department that sometimes the
22 treatment that they are getting, they have a concern
23 about that, about their age.

24 BY MS. COHEN:

25 Q So is it your testimony now that you've

1 A I know her first name, Catherine.

2 Q And she's French?

3 A Yes.

4 Q What does she teach?

5 A Art, AP art and art.

6 Q Okay.

7 A Mr. Steil can be very --

8 Q Please.

9 A Sorry.

10 Q Let me ask.

11 A I thought the question was still.

12 Q No. Do you mind if I ask my next question?

13 A Yeah. We didn't explain the incident,
14 though.

15 Q I haven't asked you about the incident.

16 A Okay. Sorry.

17 Q Had -- prior to November 6th, 2014, had you
18 worked directly with Mr. Steil?

19 A No.

20 Q Okay. Prior to November 6th, 2014, had you
21 had any problems with Mr. Steil?

22 A No.

23 MS. VAYNEROV: Objection. Overbroad.

24 Vague and ambiguous as to "problems."

25 THE WITNESS: Although, I had complaint

1 STATE OF CALIFORNIA)
2) ss
3 COUNTY OF LOS ANGELES)
4

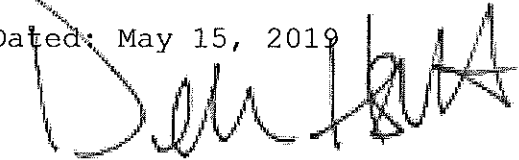
5 I, Deborah L. Heskett, a Certified Shorthand
6 Reporter, do hereby certify:

7 That prior to being examined, the witness in
8 the foregoing proceedings was by me duly sworn to
9 testify to the truth, the whole truth, and nothing
10 but the truth;

11 That said proceedings were taken before me
12 at the time and place therein set forth and were
13 taken down by me in shorthand and thereafter
14 transcribed into typewriting under my direction and
15 supervision;

16 I further certify that I am neither counsel
17 for, nor related to, any party to said proceedings,
18 nor in any way interested in the outcome thereof.

19 In witness whereof, I have hereunto
20 subscribed my name.

21
22 Dated: May 15, 2019 
23
24

25 DEBORAH L. HESKETT
CSR No. 11797

PROOF OF SERVICE

SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

CASE NAME: *Roya Saghafi v. Palisades Charter High School, et al.*

CASE NUMBER: BC708497

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 725 South Figueroa Street, Suite 2500, Los Angeles, California 90017.

On July 15, 2019 I served the foregoing document described as:

DEFENDANTS PALISADES CHARTER HIGH SCHOOL AND AMY NGUYEN'S NOTICE OF MOTION AND MOTION *IN LIMINE* TO EXCLUDE EVIDENCE OR TESTIMONY OF ALLEGED DISCRIMINATION AGAINST PERSONS OTHER THAN THE PLAINTIFF; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF ELLEN E. COHEN IN SUPPORT THEREOF

in this action by transmitting a true copy thereof enclosed in a sealed envelope addressed as follows:

Ann A. Hull, Esq.
Hannah J. Robinson, Esq.
LAW OFFICES OF ANN A. HULL, INC.
21900 Burbank Boulevard, Third Floor
Woodland Hills, California 91367
Telephone: (818) 606-6618
Facsimile: (818) 322-1321

*Attorneys for Plaintiff
Roya Saghafi*

[X] BY GSO OVERNITE I am "readily familiar" with the firm's practice of collection and processing correspondence for deposit with GSO Overnight. Under that practice it would be deposited with GSO Overnight on that same day with fees thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if date of receipt of the document by GSO Overnight Express is more than one day after date of deposit for mailing in affidavit.

[X] STATE I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **July 15, 2019** at Los Angeles, California.


ARTHUR ESCALANTE